

E-Filed: January 3, 2014

STUART F. DELERY
Assistant Attorney General
Civil Division
J. MAX WEINTRAUB
Senior Litigation Counsel
ANNA NELSON
Trial Attorney
United States Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 878, Ben Franklin Station
Washington, DC 20044
Tel: (202) 532-4402
E-mail: anna.nelson@usdoj.gov
Attorneys for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HUYNH, Diem Thi Thuy,	:	
Plaintiff,	:	Case No.: 5:13-cv-05231-HRL
v.	:	
	:	STIPULATION FOR REMAND
JOHNSON, Jeh, Secretary of Homeland	:	
Security, ¹ <i>et al.</i> ,	:	
Defendants	:	
	:	
	:	
	:	

Through this stipulation, Plaintiff's counsel, Bernadette Connolly, and Defendants' counsel, Anna Nelson, stipulate and request as follows:

1. On November 8, 2013, Plaintiff filed with this Court an action under 8 U.S.C. § 1447(b), requesting that this Court compel the United States Citizenship and Immigration Services ("USCIS") to adjudicate and grant Plaintiff's pending N-400 Application for Naturalization ("N-400 application").

¹ On December 16, 2013, Jeh Johnson replaced the Acting Secretary of Homeland Security, Rand Beers, and thus should be substituted for Mr. Beers as the proper defendant.

2. Within seven days of the Court's remand of this matter, USCIS will approve Plaintiff's pending N-400 application, and schedule her for a naturalization oath ceremony on January 10, ~~2013~~ ²⁰¹⁴.

3. However, due to the expiration of Plaintiff's biometrics requirements on January 19, 2013, if USCIS is unable to adjudicate the application or Plaintiff is unable to attend the oath ceremony on January 10, ~~2013~~ ²⁰¹⁴, then Plaintiff must attend a biometrics capture as directed by USCIS to allow USCIS to complete necessary and current background checks.

4. If, for whatever reason, Plaintiff is not naturalized on January 10, ~~2013~~ ²⁰¹⁴, and must provide updated biometrics, then USCIS will complete all necessary background checks within 21 days of Plaintiff's attendance at the biometrics appointment. Subsequently, and provided that the background checks do not disclose additional arrests or convictions, USCIS will grant Plaintiff's N-400 application and schedule her for an oath ceremony within 14 days of the approval.

5. Both parties agree to bear their own costs and fees.

Respectfully submitted on December 23, 2013:

s/Bernadette Connolly
Bernadette W. Connolly, Esq.
Law Offices of Bernandette W. Connolly
1671 The Alameda, Suite 200
San Jose, California 95126
Tel: (408) 287-0383
Email: bwconnolly@aol.com

STUART F. DELERY
Assistant Attorney General
Civil Division

J. MAX WEINTRAUB
Senior Litigation Counsel

s/ Anna Nelson
ANNA NELSON
Trial Attorney
United States Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2013, I electronically filed the foregoing
STIPULATION TO REMAND with the Clerk of Court by using the CM/ECF system. I further
certify that the foregoing will be served on Plaintiff's counsel by CM/ECF.

/s/ Anna Nelson
ANNA NELSON
United States Department of Justice

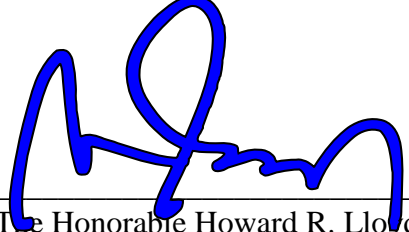
STUART F. DELERY
Assistant Attorney General
Civil Division
J. MAX WEINTRAUB
Senior Litigation Counsel
ANNA NELSON
Trial Attorney
United States Department of Justice
Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 878, Ben Franklin Station
Washington, DC 20044
Tel: (202) 532-4402
E-mail: anna.nelson@usdoj.gov
Attorneys for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HUYNH, Diem Thi Thuy, :
Plaintiff, : Case No.: 5:13-cv-05231-HRL
v. :
JOHNSON, Jeh, Secretary of Homeland : ~~PROPOSED~~ ORDER GRANTING
Security, *et al.*, : STIPULATION FOR REMAND
Defendants :
:
:
:
:

The Court has considered the Stipulation to Remand, and finds good cause to grant the motion. This case is hereby REMANDED to USCIS for adjudication of Plaintiff's N-400 Application.

Dated: January 3, 2014
~~December~~, ~~2013~~


The Honorable Howard R. Lloyd
United States Magistrate Judge